

Remarks

The applicants/assignee submit the following forms or documents in this response:

- A transmittal form PTO/SB/2.
- A statement (PTO/SB/96) under 37 CFR 3.73(b) as required by the previously filed terminal disclaimer (PTO/SB/26) to support ownership interest.

1 Amendments to the claims.

Claims 1, 20 and 35 are amended in this response. Claims 2-4, 6-19, 21-28, 30-34 and 36-50 have not been amended in this response.

2 Ownership Interest Required to Support the Terminal Disclaimer

The terminal disclaimer was rejected because the examiner felt that the assignee had not established ownership interest. Applicants believe that they have corrected this by the submission of form PTO/SB/96 statement, under 37 CFR 3.73(b), indicating the reel and frame which shows that the parent patent 6,679,476 is assigned to Puregress Inc.

Puregress Inc. is the owner of the parent patent 6,679,476, and thereby also the owner of this continuation patent application 10/762,191 according to MPEP §306. MPEP §306 provides, "In the case of a division or a continuation application, a prior assignment recorded against the original application is applied to the division or continuation application because the assignment recorded against the original application gives the assignee rights to the subject matter common to both applications."

Please note that the parent patent to this continuation application was already assigned, and the assignment to Puregress Inc. is reflected on the cover sheet of US patent 6,679,476 for CONTROL VALVES.

3 Double Patenting

Applicants believe that they have removed the double patenting rejection by providing a proper terminal disclaimer. See form PTO/SB/26. The terminal disclaimer is signed by an officer, who is authorized to sign, on behalf of the business to whom the inventors assigned the invention, Puregress Inc.

4 Rejection under 35 USC §102


Claims 1-4, 6-28, 30-47, 49 and 50 were rejected under 35 USC 102(e) as being anticipated by France et al. (US Patent Number 6,244,566). Applicants believe that the amendments above place the claims in condition for allowance based upon a telephone conference. Examiner kindly pointed out in the office action dated Jan 25, 2006, that the applicants argued that certain features were not shown in the cited art, but that those features were not in the rejected claims. Accordingly, applicants have amended the rejected claims 1, 19, 33 to include the features not shown in the cited art which applicants argued.

While applicants respectfully traverse the present rejection, they believe they have placed the claims in allowable condition. Applicants further reserve their ability to present claims 1, 20 and 35 in the original scope in a continuing application.

5 Conclusion

Applicants respectfully submit that the amendments place the patent in a condition for allowance.

If it is believed that a telephone conversation with pro se applicants (and assignee) would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at (650) 641 3019, or e—mail at adglew@glewengineering.com.



Alexander D. Glew, Ph.D., P.E.
President



Date

Puregress, Inc.
970 Aura Way
Los Altos, CA 94024